

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SCOTT B. MERRIMAN.

Case. No. 6:25-cv-421-MC

Plaintiff,

OPINION & ORDER

v.

CINDY JOHNSON, DAN G. MCKINNEY,
Attorney,

Defendants.

MCSHANE, Judge:

Pro se plaintiff Scott Merriman seeks leave to proceed *in forma pauperis* (IFP). ECF No. 1. To qualify for *in forma pauperis* status, a civil litigant must demonstrate both that the litigant is unable to pay court fees and that the claims the litigant seeks to pursue are not frivolous. 28 U.S.C. § 1915(a)(1), 1915(e)(2)(B)(i); *O'Loughlin*, 920 F.2d at 617. Plaintiff seeks to challenge ongoing eviction proceedings. Compl. 6 (“PLAINTIFFS REQUEST INJUNCTIVE RELIEF AND REQUEST AN INJUNCTION ORDERED BY THE JUDGE TO STOP THE UNFAIR AND UNLAWFUL EVICTION.” (emphasis in original)). Plaintiff attaches exhibits indicating Defendants served him with notices of eviction under ORS 90.396. Compl. Exs. 2–4.

Citing two federal criminal conspiracy statutes, Plaintiff alleges this Court has federal question jurisdiction over this action. Compl. 3. Plaintiff, however, is not a United States

Attorney entitled to enforce federal criminal statutes. Additionally, the Complaint confirms this Court lacks diversity jurisdiction as all parties are residents of Oregon.

“Plaintiff’s claims, while cloaked in the language of federal civil rights, exclusively implicate matters of landlord-tenant law, which arise under state law.” *Colvin v. AHP Realty, LLC*, 2020 WL 7711921, 2 (D. Nev. 2020). There is no federal common law regarding landlord and tenant. *Powers v. United States Postal Serv.*, 671 F.2d 1041, 1045 (7th Cir. 1982). Oregon Revised Statutes, Chapter 90, contain Oregon’s residential landlord and tenant laws. To the extent Plaintiff has any defenses to, or relief from, Defendants’ attempts to evict Plaintiff, he must bring those claims in state court.

Because this Court lacks subject matter jurisdiction over this action, Plaintiff’s application for leave to proceed in forma pauperis is DENIED and this case is DISMISSED. IT IS SO ORDERED.

DATED this 18th day of March, 2025.

/s/ Michael McShane
Michael McShane
United States District Judge